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LETTER DATED 30 JUNE 1992 FROM THE PRESIDENT OF THE GOVERNING
COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, for the attention of the Security Council, the following information on the sixth session of the Governing Council, held from 22 to 26 June 1992.

At its 27th plenary meeting, 26 June, the Governing Council approved the text of the "Provisional Rules for Claims Procedure", which includes the following sections:

- (a) Provisions;
- (b) Submission and filing of claims;
- (c) Commissioners;
- (d) Procedures governing the work of the Panels.

I enclose the text of the approved Provisional Rules for Claims Procedure (S/AC.26/1992/10) (annex I).

At the same meeting, the Council decided to approve a text regarding the eligibility for compensation of members of the Allied Coalition Armed Forces, the text of which is also enclosed (S/AC.26/1992/11) (annex II).

The secretariat informed the Council that claim form "D" (claims by individuals above US\$ 100,000) and claim form "E" (claims by corporations and other legal entities) have been distributed among Governments. A draft of claim form "F" (claims by Governments and international organizations) was submitted to the members of the Council for comments.

The Council also discussed working papers submitted by several of its members containing examples of compensable business losses in order to provide the Commissioners with further guidance on this matter. It was decided to continue the discussions at the next session.

The Council began discussions on the question of "priority of payments", to be continued at the next session.

Representatives of Poland, Kuwait and Iraq were authorized to address the Council at its 26th plenary meeting, on 22 June 1992.

At the same meeting, the Council also decided not to accede to Iraq's request to participate in the work of the Council as an observer.

(Signed) Alex REYN
President
Governing Council
United Nations Compensation Commission

Annex I

Decision taken by the Governing Council of the United Nations
Compensation Commission at its sixth session, 27th meeting,
on 26 June 1992*

The Governing Council decides:

To approve the Provisional Rules for Claims Procedure, the text of which
is annexed to the present decision.

* Previously issued under the symbol S/AC.26/1992/10.

Enclosure

PROVISIONAL RULES FOR CLAIMS PROCEDURE

I. GENERAL PROVISIONS

Article 1. Use of terms

The following definitions apply for the purpose of these Rules:

1. "Commission" means the United Nations Compensation Commission.
2. "Compensation Fund" or "Fund" means the United Nations Compensation Fund, created by paragraph 18 of Security Council resolution 687 (1991) and established by paragraph 3 of Security Council resolution 692 (1991) in accordance with section I of the Secretary-General's report (S/22559) dated 2 May 1991.
3. "Secretary-General" means the Secretary-General of the United Nations.
4. "Governing Council" or "Council" means the Governing Council of the Commission.
5. "Commissioners" means experts appointed by the Governing Council for the verification and evaluation of claims.
6. "Executive Secretary" means the Executive Secretary of the Commission and includes any Deputy of, or other person authorized by, the Executive Secretary.
7. "Secretariat" means the secretariat of the Commission.
8. "Standard forms" means claim forms prepared and distributed to Governments by the Executive Secretary for claims under claims criteria adopted by the Governing Council.
9. "Claim forms" means standard forms and any other form agreed between the Executive Secretary and the Government or international organization in question for filing claims.
10. "Rules" means the Commission's Provisional Rules for Claims Procedure.
11. "Criteria" means criteria for expedited processing of urgent claims (Governing Council's decision S/AC.26/1991/1 dated 2 August 1991), and criteria for additional categories of claims (Governing Council's decision S/AC.26/1991/7 dated 4 December 1991) as well as any other criteria that the Governing Council may adopt.
12. "Claimant" means any individual, corporation or other private legal entity, public sector entity, Government, or international organization that files a claim with the Commission.

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13. "Person or body" means an individual, corporation or other private legal entity, public sector entity, Government, or international organization.

14. "International organization" means an international organization of States.

15. "Documents" means all submissions and evidence presented by a claimant in support of a claim, in whatever form, including statements of claim in categories E and F.

16. "Database" means computerized information, pertaining to individual claimants and claims, kept by the Commission to assist in the processing of claims.

Article 2. Scope of the Rules

These Rules apply to processing of claims submitted to the Commission under the criteria adopted by the Governing Council.

Article 3. Calculation of periods of time

For the purposes of calculating a period of time under these Rules, such period shall begin to run on the day following the day when the document is received or a notification is made. If the last day of such period is an official holiday or a non-business day at the headquarters of the Commission, the period is extended until the first business day that follows. Official holidays and non-business days occurring during the running of the period of time are included in calculating the period. The Executive Secretary will issue a list of such days.

II. SUBMISSION AND FILING OF CLAIMS

Article 4. Submission of claims

1. Claim forms and documents are to be submitted to the Commission at the Secretariat's headquarters (Palais des Nations, Villa La Pelouse, Geneva, Switzerland).

2. Claim forms shall be deemed to have been submitted when they are physically delivered to and received by the Secretariat.

Article 5. Who may submit claims

1. Governments and international organizations are entitled to submit claims to the Commission.

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(a) A Government may submit claims on behalf of its nationals and, at its discretion, of other persons resident in its territory. In the case of Governments existing in the territory of a former federal state, one such Government may submit claims on behalf of nationals, corporations or other entities of another such Government, if both Governments agree.

(b) A Government may submit claims on behalf of corporations or other entities that, on the date on which the claim arose, were incorporated or organized under the law of that State. If the Governments concerned agree, one Government may submit claims in respect of joint ventures on behalf of the nationals, corporations or other entities of other Governments.

(c) Claims may be submitted on behalf of an individual, corporation or other entity by only one Government.

(d) International organizations may submit claims only on their own behalf.

2. An appropriate person, authority, or body appointed by the Governing Council may submit claims on behalf of persons who are not in a position to have their claims submitted by a Government.

3. A corporation or other private legal entity is required to request the State of its corporation or organization to submit its claim to the Commission. In the case of a corporation or other private legal entity whose State of incorporation or organization fails to submit, within the time-limit established by the Governing Council, such claims falling within the applicable criteria, the corporation or other private legal entity may itself make a claim to the Commission within three months thereafter. It must provide at the same time an explanation as to why its claim is not being submitted by a Government.

Article 6. Claim forms and language

1. Except as may otherwise be agreed between the Executive Secretary and the Government or international organization in question, claims must be submitted on the standard forms prepared and distributed by the Secretariat.

2. Owing to the fact that the Commission's computerized software and database system, which is technically required for the processing of a large number of claims, has been designed in English, the working language of the claims procedure before the Commission will be English.

3. Claim forms can be submitted in any of the official languages of the United Nations. However, since English is the working language of the claims procedure and of the Commission's computerized database, in cases where claim forms are not submitted in English, an English translation of the form must be provided. The translation, as submitted, will serve as the basis for the evaluation of the claim.

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4. With respect to claims in categories A, B and C, the documents supporting the claims are not required to be translated into English at the stage of the submission of the claims. The secretariat, on the basis of methods adopted for processing and evaluation of claims, will notify each Government as to the extent of the translation required and the time-limit for providing it.

5. With respect to claims in categories D, E and F, all documents supporting the claims must also be submitted in English or be accompanied by an English translation.

6. In the case of oral proceedings, the Executive Secretary shall arrange for interpretation as necessary into and from other official languages of the United Nations.

Article 7. Format of claims

1. Claim forms in category A must be submitted only in the computer format distributed by the secretariat. Governments will maintain custody of the original paper copies of form A and supporting documents and will make them available to the Commission upon request.

2. Claim forms and documents in all other categories must be submitted on paper. In addition to filing claims in these categories on paper, Governments may also submit them in a computer format.

3. All claim forms and documents filed with the Commission on paper are to be submitted on paper 8 1/2 inches x 11 inches or on A-4 size paper (21 centimetres x 29.5 centimetres) or on paper no larger than A-4. If a document cannot conveniently be reproduced on paper no larger than A-4, it is to be folded to A-4 size, unless the Executive Secretary agrees otherwise in special circumstances.

4. Claims and documents filed with the Commission in a computer format are to be submitted on MS/DOS or UNIX compatible formats, or in such other format as may be agreed to by the Executive Secretary.

Article 8. Copies

1. Except as otherwise agreed to by the Executive Secretary, claim forms and documents must be submitted with the following number of copies:

For category A:	3 copies of micro floppy disk
For categories B and C:	1 original and 2 copies
For D and other categories:	1 original and 8 copies

2. The secretariat, or the Commissioners, may request additional copies or accept a smaller number in exceptional circumstances.

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Article 9. Representatives

For the purpose of these Rules, all communications between the Commission's secretariat and a Government concerning claims shall take place through its Permanent Mission at Geneva. Further, except in cases where a specially authorized representative is designated by a Government and notified to the Executive Secretary, the head of the Permanent Mission of a Government shall be considered as its representative before the Commission. Governments that do not maintain Permanent Missions at Geneva and international organizations shall notify the name of their duly authorized representatives to the Executive Secretary.

Article 10. The Registry

A registry will be set up within the secretariat. A member of the secretariat will be designated by the Executive Secretary as Registry Officer. The Registry Officer will receive the claims and register them.

Article 11. Receipt of claims

1. Upon the submission of a claim, the Registry Officer will issue a delivery receipt identifying the parcel received and confirming the date it was received and the person who presented it.

2. The Registry Officer will in due course verify:

(a) That the claim has been submitted by a person or body who, in accordance with the decisions of the Governing Council, has a right to file claims with the Commission;

(b) That the claim has been submitted within the relevant time-limit established by the Governing Council;

(c) That, in the case of a corporation or other private legal entity making a claim directly to the Commission in accordance with article 5, paragraph 3, above:

(i) Evidence is attached indicating that a request was made by the entity concerned to the State of its incorporation or organization to submit its claim to the Commission;

(ii) Explanation is provided as to why the claim was not submitted by a Government.

Article 12. Unauthorized or late submissions

1. In the case of claims submitted by an unauthorized person or entity, including claims presented by a corporation or other private legal entity

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without showing that a previous request has been made to the State of its incorporation or organization, the Executive Secretary will return the documents received, and inform the person or entity concerned of the reasons why the claim cannot be registered.

2. In the case of claims submitted by an authorized person or body after the expiration of the time-limit set by the Governing Council for a given category of claims, the Executive Secretary will report to the Governing Council. The Governing Council will decide whether to accept the late-filed claims or not.

Article 13. Filing receipt

If the claim is submitted by an authorized person or body within the established time-limit, the Registry Officer will register the claim and issue a filing receipt indicating:

- (a) The claim and its category;
- (b) The party who presented the claim;
- (c) The number of claims contained in a consolidated claim;
- (d) The number assigned to the claim for identification.

Article 14. Preliminary assessment

1. The secretariat will make a preliminary assessment of the claims received in order to determine whether they meet the formal requirements established by the Governing Council. To this end the secretariat will verify:

- (a) That the claims have been submitted on the appropriate claim forms with the required number of copies, and in English or with an English translation;
- (b) That the claims contain the names and addresses of the claimants and, where applicable, evidence of the amount, type and causes of losses;
- (c) That the affirmation by the Government has been included in respect of each consolidated claim stating that, to the best of the information available to it, the claimants are its nationals or residents, and that it has no reason to believe that the information stated in the claims is incorrect;
- (d) That all required affirmations have been given by each claimant.

2. In the case of claims of corporations and other legal entities the secretariat will also verify that each separate claim contains:

- (a) Documents evidencing the name, address and place of incorporation or organization of the entity;

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(b) Evidence that the corporation or the legal entity was, on the date on which the claim arose, incorporated or organized under the law of the State the Government of which has submitted the claim;

(c) A general description of the legal structure of the entity;

(d) An affirmation by the authorized official for each corporation or other entity that the information contained in the claim is correct.

Article 15. Claims not meeting the formal requirements

If it is found that the claim does not meet the formal requirements established by the Governing Council, the secretariat will notify the person or body that submitted the claim about that circumstance and will give it 60 days from the date of that notification to remedy the defect. If the formal requirements are not met within this period, the claim shall not be considered as filed.

Article 16. Reports and views on claims

1. The Executive Secretary will make periodic reports to the Governing Council concerning claims received. These reports shall be made as frequently as required to inform the Council of the Commission's case load but not less than quarterly. The reports shall indicate:

(a) Governments, international organizations or other eligible parties that have submitted claims;

(b) The categories of claims submitted;

(c) The number of claimants in each consolidated claim;

(d) The total amount of compensation sought in each consolidated claim.

In addition, each report may indicate significant legal and factual issues raised by the claims, if any.

2. The Executive Secretary's report will be promptly circulated to the Government of Iraq as well as to all Governments and international organizations that have submitted claims.

3. Within 30 days in case of claims in categories A, B and C, and 90 days in case of claims in other categories, of the date of the circulation of the Executive Secretary's report, the Government of Iraq as well as Governments and international organizations that have submitted claims, may present their additional information and views concerning the report to the Executive Secretary for transmission to panels of Commissioners in accordance with article 32. There shall be no extensions of the time-limits specified in this paragraph.

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4. Requirements set forth in articles 3, 4, 6 (3), 7, 8 and 11 (1) shall apply to such additional information and views.

Article 17. Categorization of claims

In order to facilitate the work of Commissioners and to ensure uniformity in the treatment of similar claims, the secretariat will proceed to categorize claims according to, inter alia, the type or size of the claims and the similarity of legal and factual issues.

III. COMMISSIONERS

Article 18. Appointment

1. Commissioners shall be appointed for specific tasks and terms by the Governing Council upon nomination by the Secretary-General on the basis of recommendations of the Executive Secretary.

2. The Secretary-General has established a Register of Experts which, as stated in his invitation of 12 June 1991 for the submission of names of experts, while not limiting his selection, might be drawn upon when Commissioners are nominated for appointment. The Executive Secretary will keep and update the Register.

Article 19. Qualifications

1. In nominating and appointing the Commissioners, due regard shall be paid to the need for geographical representation, professional qualifications, experience and integrity.

2. Commissioners will be experts in fields such as finance, law, accounting, insurance, environmental damage assessment, oil, trade and engineering.

3. Nominations and appointments of Commissioners shall be made paying due regard to the nature of the claims and categories of claims to be assigned to them.

Article 20. Procedure for appointment

1. The Executive Secretary will transmit to the Governing Council the nominations for Commissioners proposed by the Secretary-General, indicating which Commissioners are to serve on each panel and who, within each panel, will act as a Chairman.

2. The Executive Secretary will recommend to the Secretary-General for nomination as many panels of Commissioners as necessary to process claims in an expeditious manner.

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3. When transmitting to the Governing Council the nominations for Commissioners, the Executive Secretary will specify the claims or categories of claims to be assigned to each panel, indicating the expertise and the number of Commissioners required.
4. If the Governing Council does not agree on the appointment of a nominee for a panel, it will request the Secretary-General, through the Executive Secretary, to submit a new nomination.
5. If, at the time the Executive Secretary transmits the new nomination the Governing Council is not in session, the new nomination will be communicated to the members of the Governing Council. The Governing Council may approve replacement Commissioners at intersessional meetings.
6. The same procedure will apply whenever a new Commissioner must be nominated.

Article 21. Requirements

1. Commissioners will act in their personal capacity. Commissioners shall not have financial interests in any of the claims submitted to them or to the panel to which they belong. They may not be associated with or have financial interests in any corporations whose claims have been submitted to them or to the panel to which they belong.
2. Commissioners shall not represent or advise any party or claimant concerning the preparation or presentation of their claims to the Commission during their service as Commissioner or for two years thereafter.

Article 22. Disclosure

1. All prospective Commissioners shall file a statement that shall disclose to the Executive Secretary any prior or actual relationship with Governments, corporations or individuals, or any other circumstances, that are likely to give rise to justifiable doubts as to his impartiality or independence with respect to his prospective tasks. This information will be provided to the Governing Council at the time the nomination of the prospective Commissioner is transmitted.
2. A Commissioner, once appointed, shall disclose to the Executive Secretary any new circumstances likely to give rise to justifiable doubts as to his impartiality or independence.
3. When any Commissioner obtains knowledge that any particular claim before his panel involves circumstances likely to give rise to justifiable doubts as to his impartiality or independence with respect to that claim or group of claims, he shall disclose such circumstances to the Executive Secretary and, if appropriate, shall disqualify himself as to that case.

4. If any Government, international organization, individual claimant, or Commissioner becomes aware of circumstances that give rise to justifiable doubts as to a Commissioner's impartiality or independence, such circumstances must be communicated to the Executive Secretary not later than 15 days after they became known.

5. The Executive Secretary will inform the Governing Council about the circumstances brought to his attention or of which he learns that are likely to give rise to justifiable doubts as to the impartiality or independence of a Commissioner, transmitting a statement of the Commissioner concerned.

6. In any case in which such circumstances are disclosed to the Governing Council, it may determine whether the Commissioner should cease to act, either generally or with respect to a particular claim or claims. Pending such a determination by the Governing Council, the Commissioner concerned will continue to perform his tasks.

Article 23. Resignation

1. A Commissioner who intends to resign from his office shall communicate his decision, through the Executive Secretary, to the Governing Council.

2. A Commissioner who has submitted his resignation shall continue to perform his functions until such time as his resignation is accepted by the Governing Council.

Article 24. Completion of work

If a Commissioner resigns during the course of consideration of any particular claim or group of claims, the Commissioner will continue to serve for the limited purpose of completing work on that particular claim or group of claims, unless excused by the Governing Council.

Article 25. Failure to act

In the event that a Commissioner fails to act or in the event of de jure or de facto impossibility of his performing his functions, the Executive Secretary shall inform the Governing Council, which may decide to replace the Commissioner in accordance with the procedures set forth in article 20, paragraph 6.

Article 26. Privileges and immunities

Commissioners, when performing functions for the Commission, will have the status of experts on mission within the meaning of article VI of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.

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Article 27. Declaration

Every Commissioner shall, before taking up his duties, make the following declaration:

"I solemnly declare that I will perform my duties and exercise my position as Commissioner honourably, faithfully, independently, impartially and conscientiously."

This declaration shall be signed and delivered to the Executive Secretary, and attached to the documents pertaining to the Commissioner's appointment.

IV. PROCEDURES GOVERNING THE WORK OF THE PANELS

Article 28. Constitution of panels

1. Unless otherwise decided by the Governing Council, Commissioners will work in panels of three members. Each of the members of a panel shall be of different nationality.
2. Priority is to be given to the establishment of panels of Commissioners to deal with claims in categories A, B and C.

Article 29. Organization of work

Chairmen of the panels will organize the work of their respective panels so as to ensure the expeditious processing of the claims and the consistent application of the relevant criteria and these Rules.

Article 30. Confidentiality

1. Unless otherwise provided in these procedures or decided by the Governing Council, all records received or developed by the Commission will be confidential, but the secretariat may provide status reports to Governments, international organizations or corporations making claims directly to the Commission in accordance with article 5, paragraph 3, regarding claims that they have submitted.
2. Panels will conduct their work in private.
3. Commissioners shall not disclose, even after the termination of their functions, any information not in the public domain that has come to their knowledge by reason of their working for the Commission.

Article 31. Applicable law

In considering the claims, Commissioners will apply Security Council resolution 687 (1991) and other relevant Security Council resolutions, the criteria established by the Governing Council for particular categories of claims, and any pertinent decisions of the Governing Council. In addition, where necessary, Commissioners shall apply other relevant rules of international law.

Article 32. Submission of claims to panels

1. Following the appointment of Commissioners by the Governing Council, the Executive Secretary will submit to panels of Commissioners the single claims or categories of claims assigned to each of them together with the related documentation, containing the results of the preliminary assessment made by the secretariat and any other information deemed to be useful for the work of the Commissioners, as well as the additional information and views submitted in accordance with article 16.

2. Any information received by the secretariat after the expiration of the time-limits as established in article 16 will be submitted when received, but the work of the panel will not be delayed pending receipt or consideration of such information.

3. The Executive Secretary may, after consulting the relevant panel chairmen, reallocate a claim or claims from one panel to another in order to ensure the efficient processing of claims.

Article 33. Work of the panels

1. After receiving claims from the Executive Secretary, Commissioners will examine them and meet to deliberate and prepare their recommendations to the Governing Council.

2. Panels of Commissioners will normally meet at the headquarters of the secretariat. Meetings will be held to the extent deemed necessary by the Chairman of each panel. Commissioners will continue their work on the claims while away from the headquarters of the secretariat, conducting the necessary communications among themselves and with the secretariat.

3. Any recommendation or other decision of the panel shall be made by a majority of the Commissioners.

Article 34. Assistance by the Executive Secretary

1. The Executive Secretary and the staff of the secretariat will provide administrative, technical and legal support to the Commissioners, including

the development and maintenance of a computerized database for claims and assistance in obtaining additional information.

2. In considering the claims, the Commissioners will take into account the results of the preliminary assessment of claims made by the secretariat in accordance with article 14, as well as other information and views that the Executive Secretary may provide in accordance with article 32.

3. A member of the secretariat may attend sessions of the panel and may, if required, provide information to the Commissioners.

Article 35. Evidence

1. Each claimant is responsible for submitting documents and other evidence which demonstrate satisfactorily that a particular claim or group of claims is eligible for compensation pursuant to Security Council resolution 687 (1991). Each panel will determine the admissibility, relevance, materiality and weight of any documents and other evidence submitted.

2. With respect to claims received under the criteria for expedited processing of urgent claims (S/AC.26/1991/1), the following guidelines will apply:

(a) For the payment of fixed amounts in the case of departures, claimants are required to provide simple documentation of the fact and date of departure from Iraq or Kuwait. Documentation of the actual amount of loss will not be required;

(b) For the payment of fixed amounts in the case of serious personal injury not resulting in death, claimants are required to provide simple documentation of the fact and date of the injury; in the case of death, claimants are required to provide simple documentation of the death and family relationship. Documentation of the actual amount of loss will not be required;

(c) For consideration of claims up to US\$ 100,000 of actual losses, such claims must be documented by appropriate evidence of the circumstances and amount of claimed loss. Documents and other evidence required will be the reasonable minimum that is appropriate under the particular circumstances of the case. A lesser degree of documentary evidence ordinarily will be sufficient for smaller claims such as those below US\$ 20,000.

3. With respect to claims received under the criteria for processing claims of individuals not otherwise covered, claims of corporations and other entities, and claims of governments and international organizations (S/AC.26/1991/7/Rev.1), such claims must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and amount of the claimed loss.

4. A panel of Commissioners may request evidence required under this Article.

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Article 36. Additional information

A panel of Commissioners may:

(a) In unusually large or complex cases, request further written submissions and invite individuals, corporations or other entities, Governments or international organizations to present their views in oral proceedings;

(b) Request additional information from any other source, including expert advice, as necessary.

Article 37. Review by Commissioners of urgent claims

With respect to claims received under the criteria for expedited processing of urgent claims (S/AC.26/1991/1), the following expedited procedures may be used:

(a) The secretariat will proceed to check individual claims by matching them, in so far as possible, against the information in its computerized database. The results of the database analysis may be cross-checked by the panel;

(b) With respect to claims that cannot be completely verified through the computerized database, if the volume of claims is large, the panel may check individual claims on the basis of a sampling with further verification only as circumstances warrant;

(c) Each panel will make its recommendations on the basis of the documents submitted, taking into account the preliminary assessment conducted in accordance with article 14, any other information and views submitted in accordance with article 32 and any information submitted in accordance with article 34. Each panel will normally make its recommendations without holding an oral proceeding. The panel may determine that special circumstances warrant holding an oral proceeding concerning a particular claim or claims;

(d) Each panel will complete its review of the claims assigned to it and issue its report as soon as possible but no later than 120 days from the date the claims in question are submitted to the panel;

(e) Each panel will report in writing through the Executive Secretary to the Governing Council on the claims received and the amount recommended to be allocated to each Government or other entity for each consolidated claim. Each report will briefly explain the reasons for the recommendations and, to the extent practicable within the time-limit, contain a breakdown of the recommendations in respect of individual claims within each consolidated claim.

Article 38. Review by Commissioners of other claims

With respect to claims received under the criteria for processing of claims of individuals not otherwise covered, claims of corporations and other entities, and claims of Governments and international organizations (S/AC.26/1991/7/Rev.1), the following procedures will be used:

(a) In so far as possible, claims with significant common legal and factual issues will be processed together;

(b) Panels may adopt special procedures appropriate to the character, amount and subject-matter of the particular types of claims under consideration;

(c) Each panel will complete its review of any claim or group of claims and report in writing through the Executive Secretary to the Governing Council within 180 days of the date the claims in question are submitted to the panel, except for any unusually large or complex claims referred for detailed review, as described below. Each panel will make its recommendations on the basis of the documents submitted, taking into account the preliminary assessment conducted in accordance with article 14, any other information and views submitted in accordance with article 32 and any information submitted in accordance with article 34;

(d) Unusually large or complex claims may receive detailed review, as appropriate. If so, the panel considering such a claim may, in its discretion, ask for additional written submissions and hold oral proceedings. In such a case, the individual, corporation, Government, international organization or other entity making the claim may present the case directly to the panel, and may be assisted by an attorney or other representative of choice. The panel will complete its review of the case and report in writing through the Executive Secretary its recommendations to the Governing Council within 12 months of the date the claim was submitted to the panel;

(e) Each panel will report in writing through the Executive Secretary to the Governing Council on the claims received and the amount recommended to be awarded for each claimant. Each report will briefly explain the reasons for the recommendations.

Article 39. Additional time

If a panel considering a claim or group of claims cannot complete its work within the allotted time, the panel will notify the Governing Council through the Executive Secretary of the estimated additional time required. The Governing Council will decide whether the panel should continue its work on the claims or group of claims, with a time-limit to be decided by the Council, or should be discharged of the claim or group of claims, which would be given to another panel.

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Article 40. Decisions

1. The amounts recommended by the panels of Commissioners will be subject to approval by the Governing Council. The Governing Council may review the amounts recommended and, where it determines circumstances require, increase or reduce them.
2. The Governing Council may, in its discretion, return a particular claim or group of claims for further review by the Commissioners.
3. The Governing Council will make its decisions on amounts to be awarded at each session with respect to claims covered in any reports of Commissioners circulated to members of the Governing Council at least 30 days in advance of the session.
4. Decisions of the Governing Council will be final and are not subject to appeal or review on procedural, substantive or other grounds.
5. Decisions of the Governing Council and, after the relevant decision is made, the associated report of the panels of Commissioners, will be made public, except the Executive Secretary will delete from the reports of panels of Commissioners the identities of individual claimants or other information determined by the panels to be confidential or privileged.

Article 41. Correction of decisions

1. Computational, clerical, typographical or other errors brought to the attention of the Executive Secretary within 60 days from the publication of the decisions and reports will be reported by the Executive Secretary to the Governing Council.
2. The Governing Council will decide whether any action is necessary. If it is determined that a correction must be made, the Governing Council will direct the Executive Secretary as to the proper method of correction.

Article 42. Withdrawal of claims

A claim pending before the Commission may be withdrawn at any time by the Government or entity that submitted the claim to the Commission. In any case where the claim has been paid, settled or otherwise resolved, it shall be withdrawn.

Article 43. Additional procedural rulings

Subject to the provisions of these procedures, Commissioners may make such additional procedural rulings as may be necessary to complete work on particular cases or categories of cases. In so doing, the Commissioners may

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rely on the relevant rules of the United Nations Commission on International Trade Law for guidance. Commissioners may request the Governing Council to provide further guidance with respect to these procedures at any time. The Governing Council may adopt further procedures or revise these rules when circumstances warrant.

Annex II

Decision taken by the Governing Council of the United Nations
Compensation Commission at its sixth session, 27th meeting,
on 26 June 1992*

Eligibility for compensation of members of the Allied
Coalition Armed Forces

The Governing Council decides that members of the Allied Coalition Armed Forces are not eligible for compensation for loss or injury arising as a consequence of their involvement in Coalition military operations against Iraq, except if the following three conditions are met:

(a) The compensation is awarded in accordance with the general criteria already adopted;

(b) They were prisoners of war as a consequence of their involvement in Coalition military operations against Iraq in response to its unlawful invasion and occupation of Kuwait;

(c) The loss or injury resulted from mistreatment in violation of international humanitarian law (including the Geneva Conventions of 1949).

* Previously issued under the symbol S/AC.216/1992/11.